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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,526	08/27/2003	Andreas Rucker	1-24714	5454
4859	7590	12/30/2004	EXAMINER	
MACMILLAN SOBANSKI & TODD, LLC ONE MARITIME PLAZA FOURTH FLOOR 720 WATER STREET TOLEDO, OH 43604-1619			BINDA, GREGORY JOHN	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,526

Applicant(s)

RUCKER, ANDREAS

Examiner

Greg Binda

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 6-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20041206, 20031229.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

1. Applicant's election without traverse of Species I shown in Fig. 2 in the reply filed on October 28, 2004 is acknowledged.
2. Claims 6-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 28, 2004.

Drawings

3. The drawings are objected to because:
 - a. There is a discrepancy between the written description and what is actually shown in Fig. 1. Fig. 1 shows the connecting pipe 8 having an axis that is coincidental with the axis 29 of the journal 11, but at page 10, lines 17-19, the connecting pipe is described as being tilted relative to (i.e. not coincident with) the longitudinal axis 29 of the journal 11.
 - b. There is a discrepancy between Figs. 1 and 2. Fig. 2 shows the second joint yoke 37 of the first universal joint 3 connected directly to a coupling sleeve 31. However, in Fig. 1 the second joint yoke 7 of the first universal joint 3 is connected to the coupling sleeve 10 via a connecting pipe 8 and a flange 9.
 - c. In Fig. 2 the lead line for numeral 116 splits and points to two different features, only one of which is the first counter face of the centering projection 38 mentioned in the description (see page 11, line 6).

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- d. The drawings fail to show all the features of the claimed invention. At least two more views are needed in addition to Fig. 2 to show all the features. One view should show a cross section of the middle portion of the coupling sleeve 31 in order to show the limitation, "transmitting faces for transmitting torque" in claim 1, lines 9 & 10. A second view should show a cross section of the coupling sleeve 31 at the aperture 34 in order to show the limitation, "a cylindrical bore that is provided in the region of the aperture" in claim 1, lines 10 & 11.
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 1 is objected to because in line 6, the word “and” should follow “shaft;”.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1, line 16 recites that the claimed invention avoids “radial play”. However, there’s no teaching in the specification which shows how the radial play due to the connecting pipe 8 (see page 10, lines 13-17) is avoided by the disclosed invention.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. Claims 1 & 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Majoor, US 4,305,678. Fig. 1 shows a universal joint shaft 4 comprising: a connecting shaft; a first universal joint (shown in detail in Fig. 2) that is attached to a first end of the connecting shaft; and a second universal joint that is attached to a second end of the connecting shaft. Figs. 2-4 show a coupling sleeve 7 that defines a bore with a longitudinal axis that is connected to the first universal joint. Figs. 3 & 4 show the bore in the coupling sleeve comprises: an aperture 13 having a cylindrical inner surface for receiving a journal 9 of a roll 5; transmitting faces (see Fig. 4) for transmitting torque; and a first conical face 12 arranged concentrically with the axis of the sleeve in order to remove radial play (see also col. 3, lines 11-16). Fig. 2 also shows means 16 which force-loads the first conical face.

10. Claims 1-5 are rejected under 35 U.S.C. 102(a) as being anticipated by DE 202 13 190 (all citations below are made to the WIPO equivalent, WO 2004/018887). Fig. 1 shows a universal joint shaft comprising: a connecting shaft; a first universal joint that is attached to a first end of the connecting shaft; a second universal joint that is attached to a second end of the connecting shaft; and a plunging unit including a spring. Fig. 2 shows a coupling sleeve 1 that defines a bore with a longitudinal axis that is connected to the first universal joint. Fig. 1 shows the bore of the coupling sleeve comprises: an aperture having a cylindrical inner surface (upon which rests the ring 11) for receiving a journal of a roll; transmitting faces for transmitting torque; and a first conical face 14 arranged concentrically with the axis of the sleeve in order to remove radial play.

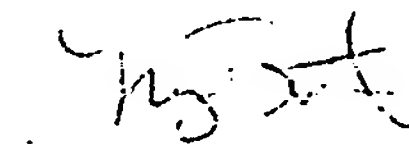
Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chezzi, Castellon and Vollmer each show a universal joint. Parmeter and Frye each show a coupling sleeve similar to that of the instant invention.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
Art Unit 3679